

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

MARY AND RICHARD HOULE,
Plaintiff,

v.

THE STANDARD FIRE INSURANCE
COMPANY and FEDERAL EMERGENCY
MANAGEMENT AGENCY
Defendants.

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Docket No. 2:13-cv-44

MOTION TO STRIKE DEFENDANT'S DECLARATION OF SCOTT HOLMES

Mary and Richard Houle, through their attorneys, ask this court to strike the Declaration of Scott Holmes submitted to support the Defendant's Motion to Dismiss pursuant to Fed. Rules Civ. Pro. 12(f).

The Defendants provided the Declaration of Scott Holmes wherein Mr. Holmes states that, "The facts set forth herein are based on personal knowledge from my review of the documents maintained in the claims file of this matter." *Declaration of Scott Holmes*, at ¶3. Based on Mr. Holmes' declaration, it appears that he has no personal knowledge of this case as required by F.R.C.P. 56 (c)(4), aside from his review of the file. Mr. Holmes was not identified in Defendant's Initial Disclosures and apparently was not personally involved in any part of the Houles' claim. All this Declaration confirms is that Mr. Holmes is the technical services director at Standard Fire and has the ability to read the files he keeps. This Declaration is insufficient to support the Defendant's Motion for Summary Judgment and is substantively immaterial and impertinent. F.R.C.P. 12(f).

For these reasons the Plaintiffs ask this Court to strike the Declaration of Scott Holmes. Respectfully submitted this 3rd day of January, 2014.

/s/ Margaret Frye
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